

77 Rec'd PCT/PTO 05 NOV 2001

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Practice Restricted to Intellectual Property Law

November 2, 2001

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Our Reference: 10242-34

**RENEWED REQUEST**

Assistant Commissioner for Patents  
Box PCT  
Washington, D.C. 20231  
U.S.A.  
**ATTN: PCT Legal Office**

**RECEIVED**

**07 NOV 2001**

Legal staff  
International Division

Dear Commissioner:

**Re: Renewed Request Under 37 CFR 1.42**  
**United States Patent Application No. 09/646,110**  
**Entitled: Aliphatic Amino Carboxylic and Amino Phosphonic**  
**Acids, Amino Nitriles and Amino Tetrazoles as**  
**Cellular Rescue Agents**  
**Filing Date: March 25, 1999**  
**Inventors: Lilian E. Dyck, Bruce A. Davis, Ya-Dong Liu, David A. Durden,**  
**Alan A. Boulton and I. Alick Paterson**

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This is filed in reply to the Commissioner's letter dated July 5, 2001 rejecting the declaration submitted on January 16, 2001 for the above-identified patent application and providing two months, or until September 5, 2001, to reply.

The Applicants are simultaneously submitting a petition under 37 CFR 1.136(a) for a two-month extension of time, rendering the due date for filing a response November 5, 2001.

The declarations filed on January 16, 2001 were rejected on the basis that:

- (i) the declarations failed to identify the correct inventive entity as required under 37 CFR 1.497(a)(3);
- (ii) the declarations failed to include the mailing address of the legal representative as required under 37 CFR 1.497(b)(2);
- (iii) the indication of "Canada Trust" as an "inventor" on the declaration is improper; and

- (iv) the names of the people signing on behalf of Canada Trust are not listed and there is no statement claiming that these persons have the requisite authority to sign for Canada Trust.

In this regard, please find enclosed newly executed declarations in which the above-listed defects have been corrected. In particular, please note the following:

- (i) each of the executed declarations contains a complete list of the six inventors;
- (ii) the mailing addresses of the legal representative (Canada Trust), the persons signing on behalf of Canada Trust (Brenda Kennedy and Kevin Rogers) and the last known address of the deceased inventor are provided;
- (iii) Canada Trust is no longer indicated as an inventor; and
- (iv) the names, addresses and citizenships of the people signing on behalf of Canada Trust (Brenda Kennedy and Kevin Rogers) have been printed below their signatures and three statements, executed and duly witnessed by a Notary Public, claiming that these persons have the requisite authority to sign for Canada Trust, have been attached to the declarations.

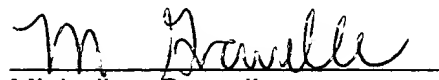
Please note that a copy of the revised declaration was sent to Debra S. Brittingham on September 7, 2001 and its form and content were pre-approved by voice mail message on September 11, 2001 with the condition that we indicate where residence and citizenship refers to the deceased and the residence and citizenship of the legal representatives of Canada Trust.

We submit that the above reply and enclosures satisfactorily respond to the Commissioner's request.

If any fee is due, the Commissioner is authorized to charge any such fee to Deposit Account No. 02-2095.

Respectfully submitted,

**Lilian E. Dyck et al.**

  
Micheline Gravelle  
Registration No. 40,261

MG/PP/sa  
Encl.